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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR02-345-RSM
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 GREGORY PRESTON HOVATER,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An initial hearing on supervised release revocation in this case was scheduled before me
15 on February 11, 2010. The United States was represented by AUSA Jeff Backhus and the
16 defendant by Paula Deutsch. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about January 31, 2003 by the Honorable Barbara
18 Jacobs Rothstein on a charge of Unarmed Bank Robbery, and sentenced to 87 months custody,
19 3 years supervised release. (Dkt. 25-27.)

20 The conditions of supervised release included the standard conditions plus the
21 requirements that defendant cooperate in the collection of DNA, be prohibited from possessing
22 a firearm or destructive device, submit to mandatory drug testing, participate in a substance abuse

01 program, abstain from alcohol, submit to search, pay restitution in the amount of \$24,903.95, and
02 provide his probation officer with access to financial information upon request.

03 On June 2, 2009, defendant's probation officer reported that defendant had tested positive
04 for methamphetamine. He was reprimanded and referred for professional assessment. No further
05 action was taken at the time. (Dkt. 30.)

06 In an application dated January 19, 2010 (Dkt. 31, 32), U.S. Probation Officer Thomas
07 J. Fitzgerald alleged the following violations of the conditions of supervised release:

08 1. Consuming cocaine on or before November 17, 2009, in violation of standard
09 condition number seven.

10 2. Failing to report for urinalysis testing as directed on December 22, 2009 and
11 January 4, 2010, in violation of special condition number four.

12 3. Failing to report to the probation officer as directed on December 23, 2009, in
13 violation of standard condition number two.

14 4. Failing to notify the probation officer of change in employment on or before
15 December 23, 2009, in violation of standard condition number six.

16 5. Failing to notify the probation officer of change in residence on or before January
17 19, 2010, in violation of standard condition number six.

18 Defendant was advised in full as to those charges and as to his constitutional rights.

19 Defendant admitted the alleged violations and waived any evidentiary hearing as to
20 whether they occurred.

21 I therefore recommend the Court find defendant violated his supervised release as
22 alleged, and that the Court conduct a hearing limited to the issue of disposition. The next

01 hearing will be set before Judge Martinez.

02 Pending a final determination by the Court, defendant has been detained.

03 DATED this 11th day of February, 2010.

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05 Mary Alice Theiler
06 United States Magistrate Judge

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08 cc: District Judge: Honorable Ricardo S. Martinez
09 AUSA: Jeff Backhus
10 Defendant's attorney: Paula Deutsch
11 Probation officer: William J. Fitzgerald
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